

MINUTES

BOARD OF ADJUSTMENT

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Conference and Regular Meeting

June 27, 2013

The Conference and Regular Meeting of the Board of Adjustment was called to order at 7:30 PM in the Public Meeting Room.

It was confirmed that the meeting was being held in conformance with all regulations of the SUNSHINE LAW and proper notice had been given to the Courier News; also, the Agenda had been posted in Town Hall, Board Office, and supplied to the Township Clerk at least forty-eight hours prior to the meeting. The Agenda items will not necessarily be heard in the order listed and the meeting will not continue significantly past 10:30 PM.

Roll Call:

Members present were Mr. Bussiculo, Mr. Miller, Mr. Smith, Mr. Sullivan and Mr. Delia. Mr. Boyer, Mr. Minkoff, Mr. Siburn and Mrs. Granholm were absent. Mr. Daniel Bernstein, Board Attorney, was also present.

Mr. Bernstein announced that the Lusardi application has been carried to July 11, 2013 with no further notice required.

Informal Review of New Applications:

App. #15-13: Alexander & Yelena Mishkevich, 80 Hillcrest Ave., Bl. 1714, Lot 16 (R-15 Zone)

Proposed principal addition consisting of attached two-car garage, new front entry and new deck which is partially covered with a roof structure. Relief is needed from Section 6.1.1B "Schedule of General Regulations" for front-yard setback, principal rear yard setback, building coverage and total lot coverage. Additional relief is required from Section 8.1.1B1.&2. which prohibits expansion of a nonconforming structure and Section 3.1.8."Decks" due to deck height.

Alexander and Yelena Mishkevich stated that they would like to build a two car attached garage partially covering the existing driveway. They also want to build a deck and expand the front entry so that it will be more visible. The garage will be 15' in height to provide some storage space above and to match the roof of the house. The home is on a small lot and will be 10% over on coverage.

In response to questions, Mr. and Mrs. Mishkevich stated that the new deck will be off the dining room. On the first floor there is a family room, bedroom, office and laundry room. The existing house is 1,401 square feet and they are proposing to add 912 square feet. It is a two story house with no basement. The main part of the house will remain the same but they might change the windows.

Mr. Sullivan noted that this is a dead end street and there is a footpath that children use to get to school. He suggested that the applicant consider patio pavers instead of concrete for the walk to decrease the impervious coverage.

Discussion took place regarding the proposed driveway width of approximately 27-28' and it was suggested that it be made narrower and that the driveway width be included in the notice.

The application was deemed complete and scheduled for hearing on July 11, 2013. The applicant was instructed to send out the notice, bring photos of the house and what is behind the house and to provide more details about the proposed deck. Board members will pass by the house prior to July 11.

App. #16-13: Michael Hayes, 314 Washington Street, Block 208, Lot 17 (R-10 Zone)

Proposed new, detached garage (24' x 28' x 20' high) will replace the existing (20' x 20' x 13' high) detached garage. A second-story work shop area is proposed to be built in the new garage and used for a hobby of wood working. In addition, an existing shed (8' x 12' x 10' high) will be relocated. Relief is needed from Section 6.1.1B "Schedule of General Regulations" for exceeding "Other Coverage."

Mary Hayes stated that they are proposing to replace the existing garage because it is too small for modern cars. They want to upgrade the garage to fit two vehicles and her husband's workshop on the second floor.

In response to questions from the Board, Mrs. Hayes stated that the second floor of the garage will have wall panels in the slope area for tools and work space in the center. There will be no water and no heat. The existing garage will be torn down and the new one constructed on the same spot. There is also a garden shed that will be relocated. The driveway size will stay the same and it will be in the same location. They have been working with a contractor and plan to use some sketches that were used for another similar garage.

Discussion took place regarding the application and the applicant was told that additional details are needed regarding the proposed garage, what will be on the second floor and the dimensions and setbacks. It was noted that the applicant is proposing a 24' x 28' garage where the maximum allowed is 20' x 20'. A variance would be required for an oversized garage and that should be included in the notice.

The application was deemed incomplete and the applicant will return to the July 11, 2013 meeting with more detailed plans.

Applications for Review:

App. #13-13: Mr. and Mrs. Dean Nasto, 14 Robbins Ave., Block 901, Lot 1 (R-15 Zone)

Proposed entrance portico requires relief from Section 6.1.1B, "Schedule of General Regulations" because it would encroach into the front-yard setback. As a result of the principal structure being elevated per Flood Plain Relief, the existing deck will increase in height and therefore require relief from Section 3.1.8, "Decks" which limits deck height to 4' in sections of a deck between the 40' rear-yard setback and the 30' setback allowed for decks.

Nora Nasto was sworn and stated she and her husband purchased their home in 2005 and they have been flooded twice. They researched raising the house and retained an architect to do the plans.

In response to questions from the Board, Mrs. Nasto stated that they are not bringing the foundation any closer to the street and they are only adding a portico to the front of the house. In the rear of the house the deck is going to be higher as a result of raising the house. They do not have any storage under the existing deck. Mrs. Nasto said she believes the height of the house was not in excess of 30'. The house was on a slope but now there will be a crawlspace where water will go through. The rear setback required is 40' and 39' is proposed.

Open to Public

The hearing was opened to the public for questions or comments regarding the application.

Marlene and John Sincaglia, 22 Robbins, said they are the Nasto's next door neighbors and they have no problem with what they are doing. It is enhancing the neighborhood and they are totally in support.

A motion was made by Mr. Miller, seconded by Mr. Delia, to approve Application #13-13: Mr. and Mrs. Dean Nasto, 14 Robbins Ave., Block 901, Lot 1 (R-15 Zone), subject to the standard conditions that shall be set forth in a Resolution of Memorialization to be adopted by the Board at a future meeting. The voice vote was unanimous with Mr. Bussiculo, Mr. Miller, Mr. Smith, Mr. Sullivan and Mr. Delia voting in favor. There were none opposed.

CARRIED FROM MAY 23, 2013:

App. #10-13: Firestone, 292 Springfield Avenue, Block 801, Lot 27 (HB-2 Zone)

Addition of lean-to roof attached to the rear of the existing building. Relief is needed from: Section 6.1.1B, "Schedule of General Regulations" because the roof addition does not conform to the principal rear-yard setback requirements and Section 10.6.3D.4 which sets forth buffering requirements.

Paul Wigg-Maxwell, attorney for Firestone, introduced Lloyd Long, representative from Firestone. Mr. Long was sworn and stated that the gate was moved today but they were not able to get the Fire Chief to come and look at it.

Mr. Wigg-Maxwell stated that the applicant is requesting approval contingent upon the Fire Chief's inspection and approval.

Discussion took place as to whether or not to proceed as requested by the applicant and it was determined that the applicant would make a presentation with respect to the other issues and the hearing will be carried to the next meeting of the Board when a response is received from the Fire Chief.

Mr. Wigg-Maxwell stated that the application has been updated with corrected information. The lean-to was constructed but the contractor did not obtain the required permits. As a result of this mistake, Firestone has developed a company-wide policy providing that construction may not start until the required permits are obtained.

In response to questions regarding the storage of oil filters, Mr. Wigg-Maxwell indicated on a photo the barrels that are used for storage. He has inquired as to any regulations about the type of barrel that can be used for this purpose and was told that there is no requirement. Mr. Long stated that he asked the environmentalist at Firestone about any possible regulations and was advised that there are none. The barrel is built to drain and there is a company that comes in and empties the barrels. Auto parts and tires are also stored along the

fence in the back of the property for recycling and the tires are picked up twice a month.

Mr. Wigg-Maxwell stated that this is not a change in Firestone procedures. They have been at the property for more than 15 years.

Discussion took place regarding whether anyone in the town would be able to answer questions about the requirements for oil filter storage. Mr. Bernstein said he will look into it. Mr. Wigg-Maxwell said they will do their best to gather additional information.

With respect to the requested site plan waiver, it was noted that the revised application does not contain all the information that was in the original application including information as to the cost of the construction. Mr. Long advised that the cost was approximately \$17,000.

The Board requested that Mr. Wigg-Maxwell arrange for the store manager to be present at the July meeting to answer questions regarding the operation of the business. In particular, questions about the advertising on the property that has not been approved. Further information is also required with respect to the fence, the survey and the setbacks.

Mr. Wigg-Maxwell said he will arrange for photographs to be taken of the new construction and he will bring them next time. The survey will be updated and hopefully they will have obtained the Fire Chief's sign-off. Additional information regarding the procedures for emptying the barrels and illustrations showing the tire storage area, the lean-to, the fence and the barrels will also be provided.

Open to Public

The hearing was opened to the public for questions or comments regarding the application. There were no members of the public who had questions or comments and the hearing was closed to the public.

The hearing of Application #10-13: Firestone, 292 Springfield Avenue, Block 801, Lot 27 (HB-2 Zone) was carried to the Regular Meeting of the Board on July 11, 2013 with no further notice required. Mr. Wigg-Maxwell consented to an extension on behalf of the applicant.

Adoption of Minutes:

June 13, 2013

A motion was made by Mr. Smith, seconded by Mr. Miller, and carried by unanimous voice vote to adopt the minutes of the June 13, 2013 Conference Meeting as presented.

Adjournment:

A motion was made by Mr. Miller, seconded by Mr. Delia, to adjourn the meeting. The voice vote was unanimous and the meeting was adjourned at 9:08 PM.

Regina Giardina, Secretary Pro Tem